SMALLPOX.

An Increase of Eleven Cases During the Past Week.

DRAINAGE AND SEWAGE

The Present System of Building Dwellings.

Importation of Contagious Diseases from Neighboring States.

BOARD OF HEALTH.

At a meeting of the Board of Health yesterday afternoon the following reports from the several bureaus were received and adopted:—

bureaus were received and adopted:—

The Sanitary Committee respectfully submit the following report on the work of the different bureaus for the week ending February 17, 1872:—

The tity Sanitary Inspector reports a total of 1,969 inspections by the Health Inspectors, as follows, viz:—9 public buildings, 67 tenement houses, 47 private dwellings, 8 other dwellings, 5 manufactories and workshops, 15 stores and warehouses, 46 yards, courts and areas, 208 stables, 5 fat rendering establishments, 62 slaughter houses, 1 gas works, 28 cell. Largs AND HAREMENTS.

Bi waste pipes and drains, 127 privice and water closets, 7 streets, guiters and sidewalks; 3 pigeries, 28 sunken and wastant lots, 7 dangerous stairways, 518 stages and cara, 15 other nuisances and 111 visits to contagious diseases. The number of reports received from the Health Inspectors was 288. During the week 48 complaints have been received from citizens and referred to the Health Inspectors for investigation and report. His report shows that during the week the Dismicetting Corps have visited 71 premises where contagious diseases were found and have distributed and FUMIGATED SIXTY-TREEE Hollingles of the seasof.

ntagious diseases were found and have disinfected and FUMIGATED SIXTY-THREE HOUS'S, sinks, together with clothing, bedding, &c.; 53 cases of allpox were removed to the hospital by the ambulance pe and one dead body to the Morgue. His report also was that 56 sinks and cesspools have been cleaned and infected by the night scavengers, under permits of the ard, and 188 locals of might soil removed from the city, rmits have been granted to 15 vessels to discharge cargoes vouchers from the Health Officer of the Port. The vaculating corps have visited 11 %5 families and performed 198 vaccinations, of which 667 were primary and 10,125 condary. There have also been 2,27 cattle inspected at the ricet yards, of which 20 were found bruised and 10 badly issed.

constitutional, 119; local, 221; developmental, 46, and violent enuses, 16. The number of fatal cases of smallpox diminstabled from 32 to 22 house 121; developmental, 46, and violent together from 50 to 11, those of remittent fever from 5 to 4, and those of distribucion and typus fever 1, the same number as in the preceding week. The mortality of scarlatina rose from 23 to 30, of whooping cough rom 22 to 29, and of typhoid fever from 5 to 7. There were three deaths attributed to spotted fever, 83 deaths were due

TO PHITHIST PULMONALIS

and 91 to the local respiratory affections, against 77 and 91 in the preceding week. The following were the principal meteorological features of the week as record of for this department at the Cooper Union:—Maximum temperature, 51 degrees; minimum temperature, 12 degrees; mean temperature, 31.27 degrees, being 1.32 degrees lower than that of the corresponding period during the past ten years; mean meading of burometer, 29.385; inches; mean degree of humidity, 62.64; rainiali, 1 inch.

The attorney reports as follows:—Number of guidments obtained in pending actions, 13; number of actions disconsident, 17; number of complaints by inspectors examination and report, 29.

The catterior of order endorsed thereon, 112; number of such complaints examined and returned for further examination and report, 29.

The catterior of the samitary company of police reports the

complaints examined and returned for further examination and report, 29.
The captain of the sanitary company of police reports the clowing as the amount of meat, fish, &c., seized and confisated as unit for human food:—Cattie, 1; sheep, 35; hogs, 21; real ("bob"), 60; fish, 600 pounds.
The slaughter houses of the city are reported as being in good sanitary condition.

The City Sanitory Inspector presented the follow-

tractors and proprietors provide for house sewage and drainage:—

BUREAU OF SANITARY ISPECTION. Feb. 21, 1872.

The BOARD OF HEALTH, EMMONS CLARK, Secretary:—
The subject of defective house drainage and saverage bears so directly upon the heasth of all classes of our citizens, and red taken in the course a public duty to the terminous in an event and the course a public duty to the terminous that it browns a public duty to the terminous that public, through collects sources, that each in his even household may cause such examination of the condition of his system of drainage as whi discover any defects. The sanitary officers of this Ruiseau have long been aware of the dangers to life and health from defective waste and drain pipes in private as well as tenement houses.

The former are only examined when some complaint is made concerning their conditions, while under the Tenement House act it becomes the duty of the Health Department to keep up a constant inspection as to all conditions that may affect the health of lives of their occupants. By far the largest proportion of the orders of the Hoard of Health are made upon the complaints of the health napsectors concerning defective sewerace and drainage; and it is these very orders which we find the most difficult to have executed in a proper manner.

They are complied with by owners with the utmost re-

ease very orders which we find the most difficult to have eccuted in a proper manner.

They are compiled with by owners with the utmost re-ctance and in a spirit of economy, even parsimony, rather ian for effectiveness, being satisfied if the technicality of elaw is overcome rather than to institute a permanent and dical remedy. Indeed, such is the spirit of evasion in any instances that only the most superiodal remedy is ap-led, necessitating frequent inspections and orders upon the me.

origin of these evils, however, has generally been be-e present owner in most instances. It is in defective ction and inferior workmansule originally. Since oduction of that in-stimable boon, Croton water, the ces of the so-called "modern improvements" (7) have

illed. These have caused new

80UKCES OF DANGER TO HEALTH
ong our citizens, not by reason of their introduction s
er, but by reason of their faulty construction and m

to this the unworkmanike methods of laying them, can we wonder at the results? Again, in order to committee expense, several houses are connected together by one drain leading to the street sewer, and by a pipe whose capacity is careely sufficient for a single house. If these we have seen frequent examples. The circle of this is that the moment any obstruction takes blace in THE MAIN COMMON DEAIN all the houses connected therewith suffer from the poisonous sewer gases, which have no other outlet. In the construction of traps there are also radical defects. Some soil pipes have so shallow a bend that but a very small quantity of water is retained in them; others are also at the ditted with an iron cap, which is fastened by ear pieces working on a shoulder; others,

so shallow a bend that but a very small quantity of water is retained in them; others are fitted with an iron cap, which is fastened by ear pieces working on a shoulder; others, again, bave simply a fast iron cap, without any means of fastening, being retained in place only by their own weight; and our experience in the examination of these two latter kinds is that there is no packing used between the cap and pipe, and being made of rough iron casting, there is nothing to prevent the escape of the gases directly from the sewer into the dwelling. Often we tind the loose cap entirely off from the pipe, and not unfrequently the screw cap is found anscrewed and merely set unon the open pipe. Iron sewer pipes are found to be joined without lead packing in the joints and without a sleeve to cover the shoulder of the joints. Cement or stoneware pipes are rarely found with the joints accurally entirely and the property of the property o

grooms.

Jangers incurred from these sources cannot be overlangers incurred from these insidious and actively
ous gases which enter the sleeping rooms at night,
on the defective sewer pipes, incovered trap in soil
intrapped wash basin waste pipe, defective water
and bath tub water pipe, cannot out produce such reamy be observed in many families, when compaint

manuer.
The examination of another brown stone dwelling in East
Forty-eighth a rest discusses a four-meh from sewer pipe,
having the main waste pipe, of one and a half inch diameter,
timply entering it without closing the fount. In this house

a child died last week, aged three years, after three weeks filicess, of spotted fever. In a tenament house in Washington street, where two deaths of children by the same disease took place recently, the cause was undoubtedly the same, intensined by the presence of other fility conditions. In York street he tenants fied the building, after two sudden deaths had taken place from the same disease, where the strends was intolerable from had sewerage, lithy privies and other equally poisonous conditions. At four other sements houses—Tenth avenue and Twenty-sink street, West Twenty-seventh street and West Twenty-sink street—where cases of spotted fever were reported during the past week, like conditions of bad drainage and sewerage were found present, exhibiting much the same conditions—absence of traps in waste piper connected with the sewers being one of the direct causes of the disease.

It is a substant to the coming of an serious an import to all of our citizens that timely warning must be headed. It becomes the timely warning must be headed of a careful and reliames, and not rely upon his own inspection entirely in these matiers. It requires the experience of a careful and reliames, and not rely upon his own inspection entirely in these matiers. It requires the experience of a careful and reliam of the same of the same of the careful and reliamed the same of the same of the same of the careful and reliamed the same of the same of the same of the careful and reliamed the same of the same o

evils, of which the aforesaid is one of the greatest and mos-dangerous; therefore, commissioners of Public Works be, Resolved, That the Commissioners of Public Works be, and the same hereby is, requested to furnish to this Board a copy of the contract or contracts now in force for the clean-ing of the streets and sewers of this city, together with the reasons why such contract or contracts are not compiled with on the part of the contractor or contractors. Resolved, That the Health Department of this city be re-quested to co-operate with this Board, to secure the so much required reform in the cleaning of the streets and sewers of this city.

the case was received from the President of the Board of Commissioners of Charnies and Correction, and it was resolved to send the letter, with the other papers relating to the matter, to the Governor, with a view to having the importation of smallpox from other States to this city stopped: ernor, with a view to having the importation of:
Smailpox from other States to this city stopped:

Sin.—The Commissioners of Public Charlies and Correction respectfully call the attention of the Board of Health to the enclosed papers, establishing the fact that a person sick of the specific papers, establishing the fact that a person sick of the specific papers, and the state of the second of the specific papers. There is reason to believe that, with the spread of smailpox in the adjacent States, the practice will obtain of sending persons in of that disease muot this city. Two cases of a like character as the above were found in the public streets a few days since. It is respectfully suggested that the Soard of Health shoud adopt such preventive measures as, to their judgment, may be effective against the surreptitions introduction of smallpox patients into this city. Very respectfully.

Robert Scott, colored, aged thenty-one, single, farmer, says he was taken sick in New Brunswick a week 20, at the house of a farmer numed Enoch A. Healty, for whom he was working. This man, when he found him to be sick, ordered him out of the house. He then went to the city of New Brunswick, applied to the overseer of the poor in Nelson street, who told him to clear out or he would shoot him. He next spulied to a colored man in the neighborhood, who went with him to the same overseer, who then gave him some money and told him to ship him to Jersey City. From there he went to New York, and, subsequently, to the office of the Commissioners of Charities and Correction.

This is but a single case, but numbers of a similar character have been reported to the officers of the Board of Health.

BROOKLYN HEALTH AND MORTALITY.

There were 223 deaths in Brooklyn during the veek ending Saturday last. Smallpox carried off twenty-five victims. This disease is spreading in certain sections of the city, and many cases are suppressed from the Health authorities. Dr. Cochran is of the opinion that the continuance of the services of the vaccinating corps for one month at services of the vaccinating corps for one month at least would have been judicious. There were 31 deaths from consumption, 19 of pneumonia, 9 of scarlatina, 6 of croup, 4 of typhoid fever and 5 of whooping cough during the past week. Of the deceased 57 were men, 40 women, 64 boys and 62 girls; 45 were infants under 12 months, and 6 were persons of upwards of circley years of age. The nationalities were:—United States, 152; Ireland, 26; Germany, 18; England, 9; Scotland, 5; Canada, 9; Newleandland, 1.

PICKPOCKET ARRESTED.

A notorious pickpocket named Hughey Darrigon Eustace. This man was arrested three months ago for stealing a diamond pin from the shirt bosom of gentieman on one of the cars of the Third avenue line. At that time he was taken before Justice

line. At that time he was taken before Justice Coulter and bailed by John Burns, of 671 Second avenue, in the sum of \$2,000. Darrigon jumped the bail and left the city. He has since been travelling through the cyclic and called the bail and left the city. He has since been travelling through the provincial cities, operating in his line to a large extent. About six weeks ago he made his appearance in New York, and Captain Irving saw him one day

STANDING IN BROADWAY.

Knowing the man was wanted at the Yorkville police station Captain Irving went up there and obtained a warrant irom the Judge for the arrest of Darrigon. A search was then begun for the person of the thief, but he wisely kept as much out of the way as the peculiar necessities of his life would permit. On Monday week last information was brought to the detective office by one of the parties detailed to look after the matter that Darrigon was hiding at a place in the Enghin avenue. Captain Irving went up to the house and watched it for some time, but no sign of Darrigon was apparent. Just as the detective captain was leaving his point of observation the thief went out at the basement, and after looking about cautiously for a lew moments sauntered down the street. The Captain then started in purruit, and Darrigon, catcning a glimpse of the well-known face of the detective as he was crossing the avenue, and Earlie of the detective as he was crossing the avenue, and Captain Irving was at the threshold following up the flying thief, when three roughlooking fellows rushed against him with all their might, staggering him for a moment. He soon recovered his equilibrium, however, and taking the biggest ruffan by the throat he dashed him on the ground, and was a second time following up the chase, when the two remaining ruffians closed together, determined to bar the passage. One of these fellows Captain frying deat a powerful blow, and the other, becoming demoralized, fled from his companions, who did not seem to relish the ledes of a second encounter. Capta peared. A careful search of the premises was made, but nothing of Mr. Darrigon could be discovered, Since that time Detectives Dusenberry and Enstace have been anxiously on the watch for Darrigon, and yesterday afternoon their arduous labors were re-warded. He will be taken to the Yorkville Police Contt this morning.

A MARINER CHARGED WITH ABDUCTION.

Sidney Belliste, first officer of the bark City of New York, now lying in the Washington Basin, was arraigned before Justice Voorhies, Williamsburg, yesterday, to answer a charge of abducting Mrs. Kate State, of No. 103 Cherry street, New York. The complainant was Mrs. Mccartny, mother of the alleged abducted woman. The prisoner said that he was acquamted with Mrs. State, and saw her every time his snip arrived at this port. On Sunday night last they were in company together in the caoin of his snip, and he offered to escort her home. This offer she declined, saying that she would remain in the cabin all night. A short time alterwards she went on shore, and when the prisoner went in search of her he ascertained that she had been found by the police in a nude state, acting in an insane manner, and that she was then in the Fourth pretinct station house. On reaching the station house Mrs. State was found by him, and she expressed a desire to go away with him. The sergeant in charge allowed them to depart, and since that time Mrs. State, it is said, has not been seen by her mother. Hence the charge of abduction. The Justice remanded the prisoner to give the police a chance to investigate the caseyesterday, to answer a charge of abducting Mrs

ONE OF THE WAREHOUSE ROBBERS.

Tuesday afternoon Officer Brosnan, of the Twenty-seventh precinct, discovered a party of men down in Battery place acting in a very suspicious manner, and, on approaching them, recognized one manner, and, on approaching them, recognized one of them as having been of the party who ran so precipitately from in front of 32 Rector street, on the night of the 14th inst., at which time and piace the officer captured a large quantity of the six which had that night been stolen from the bonded warehouse 486 Washington street. The man was arrested and taken to the Tombs Police Court yesterday morning, where he gave his name as Peter Weir, and was committed in default of \$5,000 bail.

THE COURTS.

Fire Insurance Companies in Bankruptcy-Important Order in Bankruptcy-A Collision Case-No Observance of Washington's Birthday in the United States Courts-Foster Resentenced-The Justh Divorce Suit-A Wife Amerting Her Legal Rights-Moore, the Alleged Swindler, Convicted-Heavy Sentences in the General Sessions

UNITED STATES SUPREME COURT.

An Attempt to "Double" a Land Agent-Question of the Liability of Railroad Com-panies, the Destruction of Property and In-surance—A Relic of the Past—A Promisery Note Based on the Transfer of a Slave.

WASHINGTON D. C., Feb. 21, 1872. No. 109. Walker et al. vs. Derby et al.—Appeal from the Circuit Court for the Northern District of from the Circuit Court for the Northern District of Illinois.—This suit was brought to resond the sale of real estate in Chicago made to Derby in March, 1887, for the alleged reason that he fraudulently conspired with the plaintiffs' agents to buy the property in his name, but secretly for his and their joint benefit at a grossity inadequate price. The deiendants were required to answer the bill under oath, and met the plaintiffs' charges with a direct and positive denial, and the Court, after a full examination of all the facts, found for the deiendants and dismissed the bill. It is here urged that the Court erred in admitting the testimony of certain witnesses for the deience, and particularly that of Derby and of occ Munroe; and it is contended that without the testimony of these witnesses the decree would have been, upon uncontroverted, facts, in favor of the companianats, as it ought to have been, even with such evidence. P. Phillips for appellants; C. Beckwith for appelle.

No. 111. Hall et al. for Use of Certain Kentucky Insurance Companies vs. The Nashville and Chatta-

Insurance Companies vs. The Nashville and Chatta-nooga Railroad Company—Error to the Circuit action was brought to recover the value of cotion shipped by Hali & Long at Chattanooga, on the railroad, as a common carrier and which was acci-dentally destroyed by fire while in transit and beagainst loss by fire in the companies for whose use suit was brought, and the companies have respectively paid the amount of their policies. The question was raised on demurrer whether an underwriter who insures personal property against loss by fire and pays the insurance on the against loss by fire and pays the insurance on the total loss by accinental burning while in transition, can bring an action in the name of the owner for his use against the common carrier, based upon the common law nability of the latter. The Court decided that the insurers were not enulted to be subrogated to the rights of the ships its against the road, and the judgment was for defendant. It is here maintained that carriers, without some contract of exemption, are responsible for losses arising from accidental fires, and that the underwriters who pay the loss to the ass red are entitled to be subrogated to all his rights against the carrier. Whimm Atwood for plaintiff in error; Henry Cooper for delendant.

preme Court of Louisiana.—This cause presents the general question of hability on a promissory note given in part for the price of slaves, which is in-volved in other cases now before the Court. The only leatures in which this differs from other cases of the class, are these:-Firs:-Neither the payes of the note nor the subsequent holders ever owned the slave forming a part of the consideration of the note, the defendant alone having had ownership in the negro, Second—Inder the decision below the provision of the new constitution of the State against the enforcement of contracts for the State against the enforcement of contracts for the sale of persons, was so enforced as to impair the whole obligation of the note, although the answer did not present that more than \$3.9 out of the \$1,60°, for which the note was given, was for the price of a slave. Third—As the law of the contract is a part of the contract has he have the contract has provided for the special case made, as much so as if it had been written in the note, that the interest emancipation of the slave should not be deemed a failure of the consideration. It is here arrived that this clause of the state constitution contravours and violates that provision of the federal constitution which prombits a state from maxing any law which shall impair the obligation of contracts—that it interpairs the obligation of the contract of the note in this case, and is null and void. E. J. Morrox, for plainting in error; H. Marston, defendant, in personthe slave forming a part of the consideration of the

UNITED STATES DISTRICT COURT-IN BANKRUPTCY.

The Chicago Fire-the Insolvent Insurance Companies-Proceedings to Throw Them into Involuntary Bankruptey. Before Judge Blatchford.

Proceedings have been commenced to throw all the fire insurance companies in the Southern dis-trict of New York which were unable to pay their es occasioned by the Chicago fire into involuntary bankruptcy, for the purpose of obtaining an equitable distribution of their assets among those to whom they are indected, it is believed that no serious opposition will be made in any of the cases to an adjudication of bankruptcy, as the companies to be proceeded a gainst are all amenable to adjudication. cation under the Bankrupicy act, and it is left that such adjudications will best tend to insure an equitable distribution of assets.

The Bark Raea and Steamship Hansa Col-

lision Case. Judge Blatchford rendered a decision yesterday in the case of Harold F. Hessing, owner of the bark Rhea, against the steamship Hansa, being an action to recover \$150,000 damages for injuries arising from a collision between the vessels.

* The Judge granted a decree for the libellant on the ground that the steamer, although the accident occurred in a fog, was running at a greater speed than is allowed.

A New Banksuptcy Rule-Important Notices

Notices addressed to the creditors of bankrupts naving frequently falled to reach their destination, and much inconvenience having been thereby oc-casioned, Judge Biatcaford has promulgated the

casioned, Judge Biatchford has promulgated the lollowing new rule:—

Hereaster, in cases of voluntary bankruptcy where the schedules filed by the petitioner shall give the address of a creditor as "New York chy," they shall in addition state the street and number, and the same rule shall apply to lists of creditors in proceedings in involuntary bankruptcy. In all proofs of debt, where the address of the creditor is given as "New York city," the street and number shall be given. All notices manded by the Marshall or the Clerk to creditors residing in the city of New York shall be directed to the street address of the creditor, and the Marshal, in making return of the execution of a warrant, and the Clerk, in making return of the maining of notices to creditors under an order to show cause why a bankrupt's discharge should not be granted, shall in addition certify to the Register a list of those creditors whose notices have been returned from the Post Omice.

Held for the Grand Jary.

Held for the Grand Jury. James T. Brady, the cierk in the Post Office, at the Erie Railway Bagging Table," who was charged before Commissioner Snields with having embezzied letters, has waived an examination and been heid to await the action of the Grand Jury.

NO OBSERVANCE OF WASHINGTON'S BIRTHDAY IN THE UNITED

The United States Courts and Offices Will

. Remnin Open.

Notwithstanding the general opinion that Washngton's Birthday is a legal national holiday, which all the United States officials are bound to observe on the United States officials are bound to observe by ceising, as far as practicable, to transact ordinary business, this opinion is not shared by the Judges: and officials in the United States court buildings in this city, who say that they know of no United States statute making the day a legal holiday, and they shall, therefore, continue business as usual on the 22d.

COURT OF OYER AND TERMINER.

The Stokes Case Adjourned. Judge Cardozo not being able to attend Court jury triat was necessitated, and, by consent of counsei on both sides, Judge lograham adjourned the proceedings over until next Monday morning, at eleven o'clock.

SUPREME COURT-CHAMBERS. The Justh Divorce Suit.

Emil Justh vs. Virginia Jurth.-A motion was made in this case yesterday on benalf of the plaintiff to admit certain matter as evidence, The Court granted the motion.

Decisions. D. Elston vs. Patrick Murray et al.-Motion James Burray vs. Jacob Truary et al. - Motion Aaron Clark vs. Robert H. Coleman et al.—Report confirmed.

SUPERIOR COURT-TRIAL TERM-PART I.

A Wife Asserting Her Rights. Before Judge Freedman. Charles H. Hurbug vs. Joseph Inrey. -This was a suit brought on alleged breach of contract. The de-

near Thirty-ninth street, to the plaintiff, and was paid \$500 on the contract. The defendant's wife subsequently refused to sign the contract, upon which the plaintiff brought suit for increase in the value of the property since the making of the con-tract. The case was tried yesterday, and the Court directed a verdict of \$650 06 for the plaintiff.

SUPERIOR COURT-SPECIAL TERM.

Decisions.

By Judge Monell.

John J. Philbrick vs. Henry C. Dallett et. al.—Case and amendments to stand as already settled.

John J. Rockwell vs. Emil C. Conen.—Order granted in both actions.

Samuel V. Hoffman vs. Abraham Harmens.—

Same.

COURT OF GENERAL SESSIONS.

Conviction of Moore, the Emigrant Swind-ler—Highmay men Sentenced. Before Recorder Hackett. The trial of Charles Moore, charged with swind-

sumed yesterday in the General Sessions. It would seem that all the pot-house politicians of the downtown wards were present, for the room was densely crowded. The Recorder gave the counsel for the defence the privilege of calling another witness, although, at the adjournment of the Court on Tuesday, it was understood that the case was closed. A lawyer named Sweat was sworn to contradict Mr. Schwab, who testified that John Moore, the pris-

Schwab, who testified that John Moore, the prisoner's brother, paid him \$1,035 to be given to Kornack. The lawyer said that he paid the money which he received from John Moore, who accompanied him to Mr. Schwab's office.

Mr. Chnton then proceeded to sum up, and in his opening remarks said that this prosecution was insuituted against Charles Moore because John Moore, ex-Alderman of the First ward, voted the reform ticket against the corrupt caoal that had disgraced New York in the eyes of the civilized world.

His Honor called the counsel to order, and said there was nothing in the evidence to justify that assertion.

His Honor called the counsel to order, and said there was nothing in the evidence to justify that assertion.

Assistant Dis'rict Attorney Fellows made a powerful but fair argument upon the evidence adduced for the prosecution, which he believed pointed to the guitt of the accused.

RECORDER HACKETT'S CHARGE.

The Recorder delivered a oriel and impartial charge, giving a condensed statement of the lessimons. In conclusion ne said:—If after a careful review of all the testimony in this case it leads you to the conclusion iree from any and all reasonable doubt, that the prisoner with a felomous inient did steal and take from the possession of Kornack, on the 6th of June last, his money, the amount in excess of \$25, then you will find him guilty of the charge. It is immaterial whether others were concerned in the larceny or not. If you have a reasonable doubt as to the prisoner's gunt arising out of a consideration of the nature of the testimony, then the benefit of that doubt is his property and you should acquit. I direct you in the matter of the testimony odered by the District Attorney with reference to the prescription and change of the same, that you should not consider it in your deliberations as of any weight against the prisoner, and unless the evidence shall justify his conviction outside of that testimony you should acquit. In orie; gentlemen, I charge you to disregard it altogener. It would not nave been permitted had I not misunderstood the District Attorney in als 6fgc.

Verdict.

torney in als offer.

WERDICT.

The jury retired at twenty minutes past two, and in two hours it was announced they had agreed upon a verdict. There was the most intense interest mannested upon two parts of the friends of Moore, who crowled the court room, when the foreman pronounced in sectie tones the word "Guitty." This Recover directed the prisoner to be remained till Friday for sentence, to which time the Court adjourned.

Friday for sentence, to which time the Court adjourned.

Two Highwaymen sent to the state prison for Fifteen years acon.

The Grand Jury of the Oyer and Terminer found a large oatch of indictments yesterday for felonics of various grades, which were transferred to the General sessions, where the prisoners were arraigned, most of whom pleaded not guity.

James Keily and Heary Brown pleaded guilty to robbery in the first degree. The evidence taken before the marist, les showed that this was a very clear case against the prisoners. On the first of this month John Loy, residing at No. 90 Sixth avenue, was waiking along Sullivan street and assauled by the prisoners and another man. One held him by the arms, another put his hands over his mouth, while a third stole \$1 from his person. His Honor sentenced each of them to the State Prison for ditea years.

A PROFESSIONAL HOTEL THIEF SENT TO THE STATE PRISON.

Benton B. Bagley, was convicted in January of per-terraing a grand farceny in the Sturievant Hotel. Judge Bed.ord suspended Judgment by reason of certain representations which his Honor was insuced to credit at the time, but Bagley being caught committing a similar their in the Westiminster Hotel a lew evenings since, was arrested upon a bench warrant. The Recorder sentenced Bagley to the State Prison for live years upon the other case.

Robert Fenworth, against whom were two in-

case. Robert Fenworth, against whom were two indictments, pleaded guilty to a charge of burgary in the third degree. He burgariously enfered the basement of Cummings Johnston, No. 1.255 Broadway, on the 25th of January, but only succeeded in getting \$7 worth of property. The extreme penalty was imposed, which was five years in the State Prison.

Prison.

En och Sober pleaded guilty to a similar crime, ne being charged with breaking and entering the presises of James Deane, West Seventeenth street, on the 24th of January. No property was taken, Three years and six months in the State Prison was

the sentence.

Heary Baker, who, on the night of the 18th of January, stole a cert and harness valued at \$20, the property of Edgar W. Youmsans, p.e.ded guilty to the othere and was sent to the State Prison for two years and six months.

to the odence and was sent to the State Prison for two years and six months.

John Hyan and John Brown pleaded guilty to an attempt to burgiariously enter the hardware store of hiram Jehli, 277 kinth avenue, on the 3lst of January. Kyan was sent to the State Prison for two years and Grown for one year.

Louis Webber, who, on the 27th of January, stole 345 worth of clothing from John Jetter, pleaded guilty to petty larceny and was sent to the Penitentary for six months.

John Brooks, against whom were two cases of burgiary, pleaded guilty to an indictment charking him with attempting to enter the house of Albert Nauman, 11s First avenue. He was sent to the State Prison for three years and six months.

COURT CALENDAR-THIS DAY: SUPREME COURT—CHAMBERS--Held by Judge Bar-nard.—Nos. 83, 70.

CHURT OF APPEALS CALENDAR.

ALBANY, Feb. 21, 1872.
The following is the Court of Appeals day calendar for February 22:—Nos. 128, 133, 179, 180, 143, 166, 163, 164.

BROOKLYN COURTS.

SUPREME COURT-SPECIAL TERY Suit to Set Aside a Conveyance, Before Judge Gilbert,

Harrison Cocks and George J. Barlow vs. Adelta S. Roboins and John W. Travis.—This is a suit to

set aside a conveyance made by Travis to Adelia Robbins. A large quantity of real estate was purchased with money belonging to ars. Robbins and the deeds made out to were crected and mortgages executed on these lands by fravis to secure his bonds, one of which bonds and mortgages was purchased by the blainfinds, they giving brick for it which was used in the construction of some of the houses. The mortgage ment for a cefic ency of \$711 23 was obtained. Just before it was obtained fravis conveyed all the property is was obtained and in the construction. heat by the plaintiffs was forecosed and a judgment for a deficency of \$711 23 was obtained. Just
before it was obtained Travis conveyed all the property to Mrs. Robolins, and this action is now brought
to set aside these conveyances, in order that the
plaintiffs may recover their \$711 23.

The plaintiffs allege that the transaction between
Travis and Mrs. Robolins was merely a scheme by
which to deficuld her creditors. Travis receiving
\$100 to hold the title to the lands, execute deeds,
&c., and Mrs. Robolins reaping all the profit of the
bonds and mortrages, &c., which were executed.

The defendants deep that there was any scheme
or frand on their part, and claim that Travis was,
while the title to the lands was in him, merely the
trustee of Mrs. Robolins. They claim also that the
transaction was perfectly legal, and that the plaintiffs can have no claim against Mrs. Robbins.

Judge Gilbert took the papers, remarking that if
he should decide as a fact that Travis was the
owner of the lands he should give judgment for
the plaintiffs; if he decided that Travis was merely
the troatee them he should give judgment for the
defendants.

CITY COURT-TRIAL TERM. Action Against Kerosene Manufacturers. Before Judge McCue.

William Mulholland brought suit against Stephen Jenny & Son to recover for the death of his child, who was killed by the explosion of a kerosene lamp. who was kined by the explosion of a kerosene tamp, the oil having been originally made and sold by the defendants. The defendants showed that all oil which left their establishment was properly tested, and that the quality of which the exploded oil formed a part was tested and tound to be equal to the legal standard. Verdict for defendants.

BROOKLYN COURT CALENDAR. CITY COURT.—Nos. 24, 57, 125, 204, 232, 2321, 31, 16, 246, 2511, and the balance of January calendar.

> DANGER OF SMOKING IN BED. A Woman Burned to Death.

Coroner Young was yesterday called to 114 East 130th street to hold an inquest on the body of Mrs. Margaret W. Watson, an English woman, eighty years of age. Deceased had been in the habit of Charles H. Hurbug vs. Joseph Inrey.—This was a next brought on alleged breach of contract. The dependant agreed to sell a nouse on Second avenue.

THE CAR-HOOK MURDER.

er Sentenced To Be Hanged on the 29d of

Fester Sentenced To Be Hanged on the 23d of March—His Impassive Coolness During the Delivery of the Sentence—The Case To Be Carried to the Court of Appeals.

The application on benaif of William Foster, the alleged murderer of Avery D. Putnam, to the Supreme Court, General Torm, for a new trial, having been denied, the Court yesterday sentenced him to be hanged, in confirmation of the same sentence passed upon him by Judge Cardozo in the Court of Oyer and Terminer. It being known that he was Oyer and Terminer. It being known that he was to be brought before the Court for sentence the court room was densely crowded—a fact showing conclusively that, notwithstanding the intervention of the law's delay in this case, and the occurrence of other tragedies since of no less astonishing and absorbing interest, the atrocious circumstances of the car-hook murder have not yet wholly passed from the public memory.

THE PRISONER. Judging from appearances, the most uncon-cerned person among the dense crowd throng-ing the court room was Foster. He was neatly cerned person among the dense crowd throngcerned person among the dense crowd thronging the court room was Foster. He was neatly
dressed, and the careful curling of his hair showed
that he had evidently just been subjected to the
furbishing care of an expert tonsorial artist.
Nearly ten months' confinement in prison seems to
have made very little impression on him. He
looked as robust and hearty as when first brought
to trial. His iron nerves were unshaken, and his
connenance wore the same immobile expression.
Having gone through the ordeal of a death sentence once probably had something to do with his
impassiveness on this occasion; but that probably
contributing most to his seeming unconcern was
the fact of regarding the sentence as a mere formality, it being a foregone conclusion that the case
would be carried to the Court of Appeals.

Asking the Court to PAS: Sentence.

Upon the opening of the Court, Judges ingraham
and Barnard being on the bench, District Attorney
Garvin stated that Foster had been brought into
Court by the Sheriff under the usual writ of nabeas
corpus. He then orieny recited the facts of ins
trial and conviction in the Court of Oyer and Terminer of the murder of Avery D. Putnam. Upon
Foster being found guilty of murder in the first degree the Court sentenced him to be hanged on the
lith of July. This sentence was not carried into
effect, owing to a stay of proceedings upon a writ of
error having been granted by a Judge of the Supreme Court. Upon this stay of proceedings the
case had been brought before the General lerin and
fully argued, and terminer. He now moved sentence of the prisoner by the Court, in pursuance of
lis recent decision.

Sentence by Judge Ingraham.

The Clerk having ordered the prisoner to rise,
Judge Ingraham proceeded to pass sentence upon
him as follows:—

Foster, you have been tried, convicted and sentence of the Court services in the case, not of
fact, but of law, and have found nothing in them to
warrant an interierence with the verdict of the
ju

An appeal is directly to be taken by Foster's counsel to the Court of Appeals. As this Court is in session now it is not uniskely that the case may be brought speedily before it.

An Interview with Foster-What Will Be

His Future Course of Action. A HERALD reporter called at the Tombs vesterday afternoon to see Foster in regard to his sentence at the General Term in the morning. There was a wait of some time, Warden Stacom being absent. But even with the Warden's permission it is now no in the afternoon, under the new order of the Com-missioners of Charities and Correction which has been passed since Stokes has been confined in the Tombs. The reporter, however, was shown into the room where the counsel see their clients and Foster was sent for. In five minutes or so Foster slouched dressed in a pea Jacket and "Derby" hat, and dressed in a pea jacket and "Derby" hat, and looked somewhat careworn. No great change has taken place in Foster's appearance in all the long weeks of his weary confinement. His black beard has grown longer, reaching down upon his breast, and there is a general appearance of wan carefulness and respectability, as none of that dissipitated look remains which characterized his appearance when first he entered the prison.

Foster walked into the room and stood in the doorway leading to the inner room, leaning against the wall.

The reporter walked forward and said:—"I came from the Herald, Foster, and wish to ask you a lew questions."

from the Herald, Foster, and the destroy of the water straightened up immediately. "I don't want to see any reporters," he observed, speaking rather excitedly, and at the same time he began to move off as it desirous of getting away, move off as it desirous of getting away.

"I certainly don't want to implicate you in any way, or do you say harm."
"Well," said roster, "so many reporters have said that about me and have then gone and printed

said, impactantly, and receil.

As the reporter was leaving he saw Mr. McKeon going into the prison to see Stokes. He said in regard to a question as to what will be Foster's future course that the case will go to the Court of Appeals If the counsel succeed in obtaining another stay of if the counsel succeed in obtaining another stay of proceedings from any Judge of the Supreme Court in the district. It was the lawyer's opinion that the stay would be granted.

THE JUDICIARY COMMITTEE.

The Judiciary Committee held its third session vesterday at the Fifth Avenue Hotel, beginning at eleven o'clock A. M. and concluding shortly after seven o'clock in the evening.

The same ridiculous determination to exclude the

press was persevered in, the result being that the public can receive no trustworthy information con-cerning this important investigation. It is under-stood that the older and wiser heads of the commit-tee have been from the beginning in favor of affording the public an opportunity to see what this com-mittee is doing, but the younger statesmen take so great delight in attaching a mysterious importance to the committee's deliberations that they have overruled such men as Mr. Tilden and succeeded in The examination in the "gold case" was con-

tinued yesterday, and County Clerk Loow was again three hours on the witness stand, swearing to docu-mentary evidence, a file of which he has now handed in. The followed the testimony of Mr. Osborne, of Osborne & Chapin; E. K. Willard, of Willard, Martin & Co.; District Attorney Garvin, David Dudley

Osborne & Chaple; E. K. Willard, of Willard, Martin & Co.; District Attorney Garvin, David Dudley Field, William Heath, of William Heath & Co.; H. M. Benedict, and Mr. Beamish, of the Suprome Court. The testimony given by all these witnesses was, as usual, kept secret.

The committee does not seem very anxious to look after the comiort of witnesses waiting to be examined, each witness being obliged to remain standing in the corridor of the hotel until he is called. County Clerk Loew last evening, while waiting to present some documents as had been sent for, had to wait three hours in this way before the adjournment of the committee; and Judge Garvin, notwithstanding his high official position, was told also to wait about half an hour or so before being admitted. Warden Stacom also had an ineffectual "waiting to be called" in answer to a subpoena, though having handed in at an early hour all the papers in the Pearsall-O'Connor case. Judge Gardozo was in attendance in the committee room during the entire day. Late in the evening Judge Barnard strolled into the barroom of the Filth Avenue, and was immediately subrrounded by a host of friends, with whom he talked for a while. His counsel, Rulus F. Andrews, had, in the afternoon, presented a written application to the committee to ascertain what specific charges were to be made against his client, but the committee declined replying, intending, no doubt, to adopt the same course in his regard as in the case of Judge Cardozo.

The committee adjourned to meet this morning at eleven o'clock.

The committee adjourned to meet this morning at eleven o'clock. DROWNING OF A WELL KNOWN SEA CAPTAIN.

Capt. Isaac Hazell, of steamer Josephine Thomp-

on, of Shriver's New York and Baltimore Transpor-

tation line, a widely known and highly esteemed gentleman, was drowned last Sunday morning, at an early nour, between Pool's Island and Turkey Point, and the body has not yet been recovered. Point, and the body has not yet been recovered. The Thompson became blockaded in the ice, and procured the assistance of the passenger steamer John H. Shriver to force her through the ice. This task completed Captain Hazel endeavered to cast off the towline, but becoming entangled in the line and iosing his footing was thrown overboard and under the paddlewheels and whirled under the mass of floating ice. The Captain, who was some forty years old, leaves a wife and two calldren to moura his loss.

THE CITY TREASURY.

Clamorous City Creditors Again on the Rampage.

ome Things Not Generally Known-The Luxu ries of Paupers-Eight Weeks' Consumption of Wines, Ale and Tobacco-More Large Payments Yesterday-Expenditure of Forty-two Millions Since September.

The offices of the Department of Pinance at the Court House continues to be througed by clamorous city creditors. A group of men who claim that the city is indebted to them for the nondescript duty of inspecting lamps and gas became very boisterous in the County Auditor's office yesterday when they found that their "pay" was not yet forther were very abusive, and one of their number seize one of the cierks by the throat and dragged his cross the floor of the office. This outrage r in the crowd being turned ignominiously out of the building. With men of this class it is useless to reason or to give them information that may be useful for their future guidance. But to those who are reasonable it may be useful to restate, briefly but clearly, the procedure of the Board of Audit. The observatime and temper in applying for money at the Comp

time and temper in applying for money at the competitive office before it is ready to be paid:

When the Board of Audit have passed upon claims and the report states that the claims have been "audited, allowed and ordered to be paid," then payment will be made the following day it it is applied for.

When a resolution of the Board states that certain claims have been received and are "ordered to those that those

Codinsh - David Harding.
Rubber goods - D. Hodgingth.
Syrup - B. H. Howell & Co.
Beiling - J. B. Hoyt & Co.
Powier - Hazard Yowder Co.
Dental instruments - A. L. Henntein.
Horses - C. & H. Harfman, for two horses.
Drugs - Hind, Narman & Murphy.
Fur niture - Ingersoll, Watson & Co.
Dry goods - J. Johnson, Jr.
Dil - D. F. Ketchum.
ce - Kniekerbooker lee Commany oes - Wm. Snedecker tt-ski John & Avery ackers - E. Treaswell & Son bacco - J. H. Thomoson rgical Instruments - Shepard & Dusley......

Parties at this labor and the largelemands made pon the ciercal capabilities of the decative of the Finance Department, large phymats are being daily made, and yesterday he ioticing was added to the long list hitherto recorded, in order that no time may be lost in the examination of the claims the Comptroller has desired all insclerks to be on duty to-day and dispense with the lotting usually obtained on the anniversary of waiting ton's Birthday. This has been cheeredly comiled with, and the auditing of the pay rolls with you throughout to-day, and the meeting of the Bard will be held this afternood at turee o'dlock.

Law Depar ment. Health Der

THE BOARD OF ALERMEN.

The Board of Aldermen held special meeting yesterday afternoon at three o'clik, General Cochrane in the chair.

Alderman Conover offered thefollowing resolu-

tion in regard to the opening I Lafayette place from Great Jones street to Bleeck street:from Great Jones street to Bleeck street:—
Resolved, That the Course to the Coeration be and he is hereby respectfully requested to repost the Board, at his carliest convenience, all the information in Boards at his carliest convenience, all the information his possession, or that he may be able to ascertain, result to the proceed extension of Lafayette place, particularla statement of the awards for beneuts and damages and a other expenses, the area proposed to be included in the assment, with a map showing the proposed extension, the cause of the commension for opening, and such other infunction as he may judge accessary to give this Board at the public a proper understanding of the whole subject.

Alderman VAN SCHAICK oppose he improvement, as he thought an assessment (\$194.000 on the

judge necessary to give this Board as the public a property understanding of the whole subject.

Alderman Van Schaick opposes he improvement, as he thought an assessment \$194,000 on the property holders of the neighbolood was an outrage when it was considered the but two blocks were to be opened. Mr. Wilkanstoars, one of the commissioners, had told him, in he presence of five or six gentlemen, that in the to years of the organization of the commission solten as he had attended he had never seen anole: member of the commissioners present to attende business. Mr. Stuart is the well know a thenaric agent and critical field of the commissioners present to attende business. Mr. Stuart is the well know a thenaric agent and critical field of the past sixteen years, an idal it was necessary, as the same men who opposed it and other improvements then build oppose it now. He knew a wealth citizen is Bond street who owned five bis there, and the gentleman had told him thate was anxious to see the improvement progres if there were property holders who objected to the opening of largette place they should comboward and show themselves. If the Commissioners have done wrong let us know it and invest late their conduct. It might, perhaps, make an assiment of \$0,000 necessary against the city. He dued to hear from the Corporation Counsel and key the powers of the Board in relation to the project opening. General countains, who had ken the noor, Alderman Wilder occupying the cilir while he did so, foliowed in the same strain, an acceptared that as he was not thoroughly acquainted in the law on the subject he should await the initiation which he hoped they could get from the droporation Counsel at the next meeting, on Mondal.

There was some discussion the among the members of the Board in relation to the opposed in provement and alteration of the old ly Hall building, in order that all the offices of he departments of the city. It was proposed to raise the City Hall a story higher.

It was proposed to raise the City Hall a story higher.

Alderman Vancz denouncedary such scheme, and said that the Board of Aldermen was useless as far as investigation as to the momencipal frauds was concerned. No attempt had been made by members of the Board who sent their time at the State capital instead to smedy or even investigate the abuses of the citypovernment, and if so, and they were to be abolihed and legislated out of office, he would say ame.

Alter a good deal of useless, filly and trivial talk the Board then adjourned.

It is rumored that J. Youg Scammon, who now owns the Chicago Republican, nas concluded that it will not pay to run tha concern as a dails, and has concluded to devote it weath and ability to making it a first class administration weekly.